

2008 HAY 16 PM 4: 11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Arkadiy MORGENSHTEIN et al

Serial No.:

10/648,474

Filed:

August 27, 2003

For:

LOGIC CIRCUIT AND METHOD OF

LOGIC CIRCUIT DESIGN

Examiner: Chan

Chang, Daniel D.

Group Art Unit: 2819

Attorney

Docket: 26327

Mail Stop 16 Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

REQUEST FOR REFUND UNDER 37 CFR 1.26

Sir:

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on August 4, 2006.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the errors are as follows:

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as \$ 700 for 28 additional claims over 20, and \$ 100 for 1 additional independent claims over 3, even though the above claims had been previously paid for and no new claims

were introduced with the filing of the RCE. These charges were debited on August 8, 2006 from Applicants Deposit Account 501407. The charges for the excess claims fees (Fee Codes 2201 and 2202) were <u>not</u> required and paid by mistake.

A refund of \$ 800 is deemed to be in order.

Applicant has not previously asked for a refund of these charges made in error. Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,

Martin Moynihan,

Registration No. 40,338

Date: May 15, 2008

REQUEST

CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 36 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1895.

See The American inventors Protection Act of 1899 (AIPA).

Submission required under 37 C.F.R. § 1.114

Application Number	10/648,474
Filing Date	August 27, 2003
Examiner Name	Daniel D. Chang
First Named Inventor	Arkadiy MORGENSHTEIN
Group Art Unit	2819
Attorney Docket Number	26327

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the ebove-identified application was filed prior to May 29, 2000, applicant may with to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/20) instead of a RCE to be eligible for the patent term edipartment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

ii.	er the amendness amendments) er the arguments diment/Reply it(s)/Declaration ation Disclosur ONE (1) Montage	referred to aborents in the a on(s) re Stateme	we will be ent Appeal Bi ent (IDS) on fee	ered). nef ol	Reply Brief	previous	y filed on	
1.103(c) fo	or ·			•				
a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required) b. Other								
• •	The RCE fee under				7 C.F.R. § 1.114	when the RCI	E is filed.	
For:	Column 1 No. Filed	Column 2 No. Extra	SMALL ENTITY RATE FEE		OTHER THAN A SMALL RATE		ALL ENTITY FEE	
Request for Continued Examination (RCE)	·		1		\$ 395			\$ 790
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			TOTA	1L	<u>\$1195</u>	TC	TAL	<u>\$</u>
The Commissioner is hereby authorized to charge \$1195 filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.								
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Name (Print/Type)		Martin D. Moynihan			istration No emey/Agent		40,338	
Signature	Martina	2 Alo	neta	Date	Aug	ust 4, 2	006	
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PTC/SB/30 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
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### REQUEST **FOR**

### CONTINUED EXAMINATION (RCE) **TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/648,474			
Filing Date	August 27, 2003			
Examiner Name	Daniel D. Chang			
First Named Inventor	Arkadiy MORGENSHTEIN			
Group Art Unit	2819			
Attorney Docket Number	26327			

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which

established RCE practice								
1. Submissio	n required	under 37 (	C.F.R. §	1.114				
a.   Previously	submitted						<b></b> .	
i. 🗆 Consider	the amenda	nent(s)/repl	y under 3	37 C.F	.R. § 1.116 p	reviously	tiled on	<del></del>
(Any unentere ii. Conside	d amendment(s)	referred to abo	ve will be en Annoal E	ntered). Brief ou	Reply Brief	nrevious	ly filed on	
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I. 🗷 Amendment/Reply								
ii. □ Affidavit(s)/Declaration(s)								
iii.								
iv. © Other ONE (1) Month Extension fee								
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2. Miscellane	eous						•	
a. Suspensi	on of action o	n the above	-identified	d applic	cation is requ	ested unde	er 37 C.F.R. §	
1 103(c) for								
a period	of mont	hs. (Period of	suspension :	shall not	exceed 3 months	s; Fee under S	37 C.F.R. § 1.17(i) re	equired)
b.   Other								
3. Fees the	e RCE fee under	37 C F R & 1.1	7(e) is requi	ired by 3	7 C.F.R. § 1.114	when the RC	E is filed.	
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Continued	]							
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Claims	40 00		28 x 3	25	\$ 700		\$50	\$
Total Claims	48 - 20=	28	28 X 3	23	3 700	330		<b></b>
				100	\$ 100	-	\$200	\$
Independent	4 - 3=	1	1 x \$ 100		2 100		3200	
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Name N	lartin D. M	loynihan		•	stration No		40,338	
(Print/Type)				(Atto	mey/Agent			
Signature	Marta.	(1) 11.	August 4, 2006					
	- John Jan	V- (/ IL/2)	7444					

Adjustment date: 05/22/2008 SDIRETA 08/08/2006 HALI11 00000009 501407 02 FC:2201 100.00 CR 03 FC:2202 700.00 CR

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